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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,925	06/24/2003	Basil Treppa	059864.00842	4336
32294 7590 10/31/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER HIGA, BRENDAN Y	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,925	TREPPA ET AL.	
	Examiner	Art Unit	
	Brendan Y. Higa	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/12/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The examiner would like to note that this application has been transferred to a new examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 06, 2007 has been entered.

Claims 1-20, 22-25, and 27-30 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 15, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 8, 15, and 22 recites the limitation "the messages". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20, 22-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. (US 6691165), hereafter referred to as Bruck, in further view of Syvanne (US 2002/0157018).

As per claim 1, Bruck teaches a system for cluster management that allows the configuration and monitoring (configure and monitor, see col. 3, lines 64-67) of a cluster from a single-point (the user can select any machine on the cluster to operate as the single-point, see col. 3, lines 64-67), comprising: a network interface configured to communicate with nodes in the cluster (see col. 3, lines 64-67); a memory configured to store information relating to cluster management (see col. 3, lines 45-55); a configuration subsystem coupled to a remote management broker (read as the single-point, see above, col. 3, lines 64-67), wherein the remote management broker is configured to distribute information between the nodes in the cluster (see col. 3, lines 45-55, 64-67 and col. 28, lines 2-16); a processor configured to perform actions, including: access the cluster from the single-point (single-point, see col. 3, lines 64-67); obtain information relating to devices within the cluster (col. 21, lines 55-60); present the information to a user (see col. 3, lines 64-67); and determine network management

(NM) operations to perform to the cluster (col. 21, line 66-col. 22, lines 13); perform the determined NM operations (col. 21, line 66-col. 22, lines 13);

Bruck does not expressly teach determining if the NM operations on the cluster were applied correctly, and if not, rolling back to a successful configuration.

However, in the same art of network management and configuring, Syvanne teaches a management system for configuring network devices, wherein, if after configuration changes are made to the network device, the managed network device is no longer able to set up a new connection and to perform remote management, then the managed device automatically reverts to a old configuration in order to restore connectivity (see ¶ 0012).

One of skill in the art would have been motivated to combine the teachings of Bruck with the teachings of Syvanne, in order to allow the system in Bruck to recover from an error state.

As per claim 2, Bruck further teaches the processor is configured to provide a command line interface configured to access the cluster (see col. 4, lines 1-4)

As per claim 3, Bruck further teaches the processor is configured to provide a graphical user interface that is configured to access the cluster (see col. 4, lines 1-4).

As per claim 4, Bruck further teaches an aggregator configured to aggregate data relating to the devices within the cluster (see "token message" or "911 message",

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having a membership field, col. 3, lines 45-55, read as collecting management information from cluster servers).

As per claim 5, Bruck further teaches a secure transport configured to transport messages (see Secure Socket Layer, col. 27, lines 55-59); a remote management broker server (see, Fig. 7, ref. 1703 and single-point, col. 3, lines 64-67) coupled to the secure transport (col. 27, lines 55-59); and a Remote Management Brick client coupled (see controller, i.e. internet browser application, Fig. 17, ref. 1702) to the secure transport (col. 27, lines 55-59).

As per claim 6, Bruck further teaches, wherein the Remote Management Broker is further configured to collect attributes from the Configuration Subsystem (see col. 3, lines 45-55, read as collecting management information from cluster servers).

As per claim 7, Bruck further teaches wherein the messages include a header that is configured to authenticate the messages ("state sharing information messages", see col. 10, lines 9-18, including a "membership field", col. 10, lines 53-64).

As per claim 8, wherein a magic field that identifies the message as a remote management broker message (see "Signal Type", col. 10, lines 19-38, which identifies the type of message read as a "magic field").

Although, Bruck teaches using the SSL protocol in the system (see Secure Socket Layer, col. 27, lines 55-59), as best understood, it is not necessarily the case that SSL protocol is being used to distribute the "state sharing information messages" (see col. 10, lines 9-18, read as "the messages") throughout the cluster network. Thus, it is not necessarily the case that the state sharing information message header includes a message authentication code. However, the examiner takes official notice of this limitation. The SSL protocol was well known in the art at the time of the invention, (see Hickman, Kipp, "The SSL protocol", November 29, 1994), which includes a Message Authentication Code, "MAC-DATA", that acts as a shared secret (see Hickman, Kipp, "The SSL protocol" §1.2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to distribute the "state sharing information messages" using the SSL protocol, in order to provide a secure method of distributing messages within the server cluster.

As per claim 10, Bruck further teaches applying a configuration lock that is intended to prevent other applications from performing network management operations on the device within the cluster (see "cluster password", col. 23, lines 1-19).

Claims 9, 11-15, 17, 18, 20, 22-24, 27-30 are rejected under the same rationale as claims 1-8 and 10 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claims 16, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck (US 6691165), in view of Syvanne (US 2002/0157018), in further view of Chapman et al. (US 5774650), hereafter referred to as Chapman

As per claims 16, 19, and 25 Bruck does not expressly teach applying a configuration lock that is intended to prevent other applications from performing network management operations on the devices within the cluster during a predetermined time; and releasing the configuration lock after the network management operations are performed.

However, in the same art of network management, Chapman teaches a method for temporarily restricting access to a network system (see abstract and col. 6, line 7-col. 7, line 10, read as configuration lock) while a network administrator performs network maintenance (see col. 6, line 65-col. 7, line 6, read as network management operations) and releasing the temporary access restriction once the network administrator has finished (see col. 7, lines 33-38).

One of skill in the art would have been motivated to modify the teachings of Bruck with the teachings of Chapman, for restricting access to the network cluster in order to provide a network administrator with adequate resources for performing network maintenance.

Response to Arguments

Applicant's arguments with respect to claim 1-20, 22-25, and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

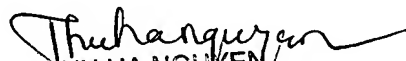
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see attached PTO 892)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH


THU HA NGUYEN
PRIMARY EXAMINER